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## THE INDIAN POLICY OF THE REPUBLIC OF TEXAS\*

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### CHAPTER I

#### INDIAN TRIBES OF TEXAS DURING THE REPUBLIC

The Indians residing in Texas during the Republic may be divided into two groups, those who were indigenous, and those who were immigrants. The immigrant Indians may also be classified under two heads, the tribes which were forced south by hostile northern Indians, and the tribes which were pushed west by the expanding frontier of the United States. Thomas M. Marshall in his *History of the Western Boundary of the Louisiana Purchase* gives the above classification.<sup>1</sup> The writer of this paper, though using Marshall's divisions, has taken the liberty of making some changes in the enumeration and discussion of the tribes under the various headings.

#### *I. Native Indian Tribes of Texas*

*The Karankawa.* It seems that the name, Karankawa, was applied originally to a small group of Indians living near Mata-

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<sup>1</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 124.

gorda Bay, but later it was extended to include the tribes inhabiting the shore and islands from Galveston Bay to perhaps west of the San Antonio River.<sup>2</sup> These Indians represented a very low grade of society, for their tribal organization was loose, and their habits of life extremely crude. They did not cultivate the soil, but lived on fish, game, wild berries and roots, eggs of sea-fowls, and, to some extent, human flesh.<sup>3</sup> Physically the men were tall and strongly built, and in disposition they were fierce and warlike. Their chief weapon was the bow and arrow, which they used with skill.<sup>4</sup> In the eighteenth century the number of fighting men in the Karankawan tribe was probably between four and five hundred.<sup>5</sup> Stephen F. Austin's settlement on the Brazos brought conflict in 1823 between these Indians and the pioneers. During the ensuing struggles over half the tribe was slain and the remainder fled to La Bahia Presidio on the San Antonio River.<sup>6</sup> In 1834, a force of nearly three hundred Karankawan warriors visited Matagorda for the purpose of plundering a pack train from Mexico, encamped there, but the American settlers rallied in such force that the Indians retreated without a fight.<sup>7</sup> About 1840 they were camped on the Guadalupe River below Victoria, and on account of the depredations committed by them on the settlers, they were attacked, many were killed, and the rest driven southwest along the coast. In 1843 and 1844 they were living about fifty miles southwest of Corpus Christi. A Mexican ranging company under Captain Rafael Aldrete attacked and almost annihilated them.<sup>8</sup> Between 1839 and 1851 some ten or twelve families were living on Aransas Bay and Nueces River. Another group of about one hundred persons was located in 1840 on Lavaca Bay.<sup>9</sup> The

<sup>2</sup>Hodge, *Handbook of American Indians*, I, 657; Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 19.

<sup>3</sup>Bolton, "The Founding of Mission Rosario: A Chapter in the History of the Gulf Coast," in *The Quarterly of the Texas State Historical Association*, X, 115.

<sup>4</sup>Yoakum, *History of Texas*, I, 223.

<sup>5</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, p. 127.

<sup>6</sup>Hodge, *Handbook of American Indians*, I, 657.

<sup>7</sup>Kenney, "History of the Indian Tribes of Texas" in Wooten (editor), *A Comprehensive History of Texas*, I, 727.

<sup>8</sup>Kenney, "History of the Indian Tribes of Texas" in Wooten, *A Comprehensive History of Texas*, I, 127.

<sup>9</sup>Hodge, *Handbook of American Indians*, I, 657.

Karankawan tribe had been so reduced in numbers before the beginning of the Republic, that it was not considered very formidable as an enemy.

*The Tonkawa.* During the latter part of the eighteenth century and the early nineteenth, the Tonkawan tribe occupied a wide region north of the Karankawa, between the Colorado and Trinity Rivers in the eastern central part of Texas.<sup>10</sup> They had no fixed habitat, planted no crops, but led a wandering life, living mostly on game.<sup>11</sup> C. Green, Indian Agent to the Tonkawas in 1844, wrote that in February he had visited their camp on Cedar Creek, a tributary of the Trinity River. In May of the same year he found them near Gonzales, from which place they traveled by way of San Marcos to the Colorado.<sup>12</sup> In 1845, R. S. Neighbors, recently appointed Indian Agent to the Tonkawas, reported that they were located on the Cibolo near the old Gonzales crossing.<sup>13</sup> The Tonkawas were warlike Indians, and were hostile toward the Comanche and Wichita during the time of the Republic, although they remained at peace with the Texans. It is impossible to state definitely the number of persons who belonged to this tribe, but various estimates have been made which throw some light on the subject. Dr. John Sibley thought there were about two hundred men in the tribe in 1805. Teran in 1828, estimated their number at eighty families and the official estimate in 1847 was one hundred and fifty men.<sup>14</sup>

*The Caddo.* The tribal traditions of the Caddo place their early home along the lower Red River of Louisiana. As early as 1687, La Salle and his followers encountered Caddo villages scattered along Red River and its tributaries and along the banks of

<sup>10</sup>Hodge, *Handbook of American Indians*, II, 780; Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 22-23.

<sup>11</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 127.

<sup>12</sup>Manuscript: C. Green to T. G. Western, December 14, 1844. Indian Affairs, State Library.

<sup>13</sup>Manuscript: R. S. Neighbors to T. G. Western, June 14, 1845. Indian Affairs, State Library.

<sup>14</sup>Hodge, *Handbook of American Indians*, II, 782. Dr. John Sibley was the United States Indian Agent stationed at Natchitoches. Rowland, *Official Letters of W. C. C. Claiborne, 1801-1816*, IV, 2; VI, 274-277, 362-63; Thwaites, *Early Western Travels, 1748-1846*, XVII, 68, note 60.

the Sabine, Neches, Trinity, Brazos and Colorado Rivers in eastern Texas.<sup>15</sup> In 1835 all the Caddo living in the United States made a treaty with the government ceding all their land and agreeing to move beyond the boundaries of that country. Numbers of the Caddo tribe flocked into Texas and joined their brethren along the great bend of the Red River and southwest as far as Nacogdoches.<sup>16</sup> Here a remnant of the old Caddo Confederacy still remained in 1837 with the following units: Caddo, Eyeish, Abadarko, Abadoche,<sup>17</sup> Nabadache. At that time they numbered two hundred and twenty-five, spoke the same language, and hunted together for a living.<sup>18</sup> The Nabadache and Nacogdoche were tribes which belonged originally to the old Hasinai Confederacy, so it seems probable that at this time both the Caddo and Hasinai groups had broken up and the tribes which were left of each had united. The Caddo and Hasinai were divisions of the great Caddoan linguistic stock, were similar in customs and spoke almost or quite the same language.<sup>19</sup>

*The Hasinai.* During the seventeenth and eighteenth centuries the compact Hasinai Confederacy occupied the valleys of the upper Neches and Angelina Rivers.<sup>20</sup> Some of the most important tribes belonging to this nation were the Hasinai, Nacogdoches, Nabadache, Nasoni, and Nadaco.<sup>21</sup> The Hasinai played a very important part in the History of Texas under Spanish rule, but by the time of the Republic, war, poor food, and epidemics had reduced their number so that only a few scattered tribes remained.<sup>22</sup> These

<sup>15</sup>Hodge, I, 179-181.

<sup>16</sup>Hodge, *Handbook of American Indians*, I, 179-181; Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 21-22. Manuscript: Report of Standing Committee on Indian Affairs to President Sam Houston, October 12, 1837. Indian Affairs, Texas State Library. This committee had been appointed September 29, 1837, Journal of Senate, 2 Congress, 1 Session, 8.

<sup>17</sup>The writer has been unable to identify this tribe in Hodge.

<sup>18</sup>Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

<sup>19</sup>Hodge, *Handbook of American Indians*, I, 179-181.

<sup>20</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 126.

<sup>21</sup>Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 20-21.

<sup>22</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 126.

Indians cultivated the soil to an unusual extent. Maize, beans, calabashes, and wild vegetables, supplemented with game, served them as food.<sup>23</sup> In 1837 they were allied with the Caddo and Eyeish, were on friendly terms with the prairie Indians, and were hostile to the Republic.<sup>24</sup>

*The Eyeish or Ais.* In 1828 the small tribe known as the Eyeish lived between the Brazos and Colorado Rivers, and numbered about one hundred and sixty families.<sup>25</sup> In 1837 the Eyeish had united with the Caddo and the remnant of the Hasinai. They were living in Nacogdoches county and were hostile to the Texans.<sup>26</sup>

*The Bidai, Orkokisa, Athacapa.* On each side of the lower Trinity River lived the Bidai and Orkokisa, and to the east of them on the lower Neches and Sabine dwelt the Athacapa. These tribes were closely associated and were probably related. At one time they were supposed to be Caddoan, but that is no longer considered true. They were not connected with the Karankawa, who occupied the region to the south, and seem to have lived on a higher plane than this barbarous tribe ever aspired to attain.<sup>27</sup> By the early nineteenth century these tribes were greatly reduced in numbers,<sup>28</sup> and consequently their part in the affairs of the Republic of Texas was insignificant.

*The Coahuiltecan Tribes.* When the Spanish missionaries made their way into Texas at the end of the seventeenth century, they found some seventy odd different tribal or subtribal divisions located between the lower San Antonio and the lower Rio Grande Rivers. These tribes are now grouped together under the name Coahuiltecan from the language which they spoke. During the latter part of the eighteenth century the Lipan, a tribe of the

<sup>23</sup>Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 21.

<sup>24</sup>Manuscript: Report of Senate Standing Committee on Indian Affairs to Sam Houston, October 12, 1837. Indian Affairs, Texas State Library.

<sup>25</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 125.

<sup>26</sup>Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

<sup>27</sup>Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 20.

<sup>28</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 126.

Apache, pushed down from the north, and forced the Coahuiltecan tribes to the coast.<sup>29</sup> Some of the most important units were the Xarame, Pampopa, Pocoa, Payaya, Aguastayas, Pacuache, Ocana, Pupanac, Pastaloco and Patzua.<sup>30</sup> Only a few scattered remnants of the Coahuiltecan tribes were left to witness the trials of the young Republic.

*The Apache.* In the early eighteenth century the Apache tribes occupied almost the whole of western Texas, from the upper Nueces and Medina Rivers to the upper Red and Colorado. But with the southern movement of the Comanche, the Apache were forced to abandon their northern ranges.<sup>31</sup> The chief Apache tribes located in Texas were the Lipan, the Natages, the Mescalero, and Jumano, of which the Lipan exerted the most influence on the history of the Republic.<sup>32</sup> In the latter part of the eighteenth century the Lipans were living on both sides of the Rio Grande, where they had been forced by the steady approach of the Comanches.<sup>33</sup> A report of the Senate Standing Committee on Indian Affairs in 1837 contains the statement that the Lipans were to be considered merely as a part of the Mexican Nation.<sup>34</sup> This supposition seems to have been made without a thorough investigation of the subject. It is true that the Lipans had been forced to the Mexican border, but this does not prove that they were allied with Mexico. Quite the opposite seems to have been the case, for the Lipans were friendly toward the government of Texas, and often served in the army as scouts.<sup>35</sup> As a nation, the Apache were hated by the other Indians of the country. Their number was probably not so large as their "nobility and aggressiveness" caused it to be reported.<sup>36</sup>

<sup>29</sup>Bolton, *Athanase de Mézières*, I, 27.

<sup>30</sup>*Ibid.*, 27.

<sup>31</sup>*Ibid.*, 24.

<sup>32</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 128.

<sup>33</sup>Bolton, *Athanase de Mézières*, I, 24.

<sup>34</sup>Manuscript: October 12, 1837. Indian Affairs, Texas State Library.

<sup>35</sup>Manuscript: Mark B. Lewis to Branch T. Archer, June 1, 1841. Indian Affairs, Texas State Library.

<sup>36</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 128.

*II. Immigrant Indian Tribes in Texas, 1836-1846*

*Tribes Forced South by Hostile Northern Indians.* The Comanche, Wichita, Kiowa, Kiowa Apache, and a portion of the Paronee, were pushed southward into Texas in the latter part of the seventeenth century. The cause of this movement was the shifting of certain hostile northern Indians, especially the Sioux.<sup>37</sup>

*The Comanche.* It is rather difficult to locate the exact territory occupied by the twelve Comanche tribes, because their range was very large and they traveled on horseback with extreme rapidity from one part of the country to another. An offshoot of the Shoshoni tribe of Wyoming, the Comanche by the end of the seventeenth century had crowded the Apache from their hunting grounds on the headwaters of the Arkansas, Red, Trinity, and Brazos Rivers, and occupied New Mexico and the Panhandle country. During the time of the Republic the ranges of the Comanche were from Chihuahua on the south to the plains of the Platte on the north.<sup>38</sup> Their attitude toward the Texans, and their habits of life are discussed in the following extract from a report of the Senate Standing Committee on Indian Affairs, October 12, 1837:

Of the Comanches your Committee knows but little, they are however the natural enemies of the Mexicans whom they contemptuously denominate their stock keepers and out of which nation they procure slaves. They are roving indians, live on game, and have many horses. Their arms are the Bow & Lance. Your Committee have not any evidence of hostile feelings on the part of these indians toward the People of this Republik and do not entertain a doubt but that a treaty of amity between this Govt & those Indians might be effected if pressure and energetic measures were adopted for that purpose by the Executive & Congress of this Republic.<sup>39</sup>

It would seem from this that the Comanches were, at this time, considered one of the lesser tribes of Texas Indians, which could, without great difficulty, be conciliated. The government found later that the Comanches were formidable enemies who could

<sup>37</sup>*Ibid.*, 129.

<sup>38</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 129-130; Bolton, *Athanase de Mézières*, I, 24-27.

<sup>39</sup>Indian Affairs, Texas State Library.



neither be conquered and driven entirely from the country, nor brought to peace terms except after years of struggle.

*The Wichita.* In the north central part of the Republic, along the waters of the Brazos, Wichita, and Trinity Rivers, the Wichita Indians located, when they were pushed south by their enemies, the Osage. The principal tribes of the Wichita were the Tawakoni, Taovayas, Kichai, and Yscanis. Their civilization resembled that of the Caddo and Hasinai, but their language was quite distinct. The Apache on the west, and the Osage on the north were the common enemies of the three groups, the Hasinai, the Caddo, and the Wichita. In the eighteenth century it is estimated that the Wichita numbered four thousand. By 1824 there were probably about twenty-eight hundred, and their number continued to decrease both on account of wars and disease.<sup>40</sup> A considerable number of the Skidi Pawnee lived with the Wichita. The two tribes had been on intimate terms for many years, and the band of Pawnees seem to have resided with the Wichita at least since the middle of the eighteenth century.<sup>41</sup> The report of the Senate Standing Committee of Indian Affairs, October 12, 1837, contains the following information concerning the Wichita-Pawnee group:

The Keechi Tywocanies Wakko's and Towiash or Pawnees are Indians of the Prairies,—Hunt altogether for a living travel altogether on horseback armed mostly with Bow and Lance. What fire arms they have are smooth bores or traders guns of little value and seldom used. They rove from place to place, move with great celerity, & are but little dependent on civilized man for necessary articles. They are now at war with this Republik. Their number is about 500 warriors despicable soldiers but formidable rogues, and for 5 years past have greatly annoyed our frontier during which time they have occasionally found opportunities to commit most horrible outrages & to carry off children and females as prisoners. . . .

These indians reside mostly on the head waters of the Trinity, Brazos, and Colorado, and are on good terms with the Comanches and northern Indians living within the limits of Texas.<sup>42</sup>

<sup>40</sup>Bolton, *Athanase de Mézières*, I, 23-24; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 130; Hodge, *Handbook of American Indians*, II, 947-949.

<sup>41</sup>Hodge, *Handbook of American Indians*, II, 947.

<sup>42</sup>Texas State Library.

*Kiowa and Kiowa Apache.* The Kiowa Indians migrated across the Arkansas River early in the nineteenth century, and located west of the Comanches, with whom they became closely allied. Among the prairie tribes, the Kiowa were noted for their fierce war-like disposition. It is estimated that in proportion to their number they killed more white men than any other tribe of Indians. The Kiowa Apache belonged to the Kiowa tribal circle, although their language was distinctly individual. They were a small Athapascan tribe, had absolutely no political connection with the Apache, but came south with the Kiowa to the Texas plains country. Their union with the Kiowa was so close that they may be considered as a legitimate part of that nation.<sup>43</sup>

*Tribes Pushed West by the Expanding Frontier of the United States.* At the Treaty of Paris in 1763, France ceded to England all the lands east of the Mississippi except the Island of Orleans. Thus a great expanse of territory was opened to the English colonists in America. However, it was not until after the Revolutionary War, and the War of 1812, that westward immigration began to crowd the Indian tribes across the Mississippi. Eastern Texas was practically uninhabited, and furnished a place of refuge for the following tribes: the Alabama, the Coshatto (Koasati), the Biloxi, the Muskogee, the Choctaw, the Chickasaw, the Kickapoo, the Shawnee, the Delaware, the Arkensa, the Creek, and the Cherokee.<sup>44</sup>

*Alibama, Koasati, Biloxi, and Muskogee.* In 1837, a Committee Report of the Senate, located the Alabama, Coshatto, Biloxi, and Muskogee together in the counties of Nacogdoches and Liberty south of the San Antonio road, and estimated their strength at 150 warriors.<sup>45</sup> The Alibama had moved to Texas from Louisiana some time before 1819, and had settled above Opelousas road between the Sabine and the Trinity Rivers. There were about one hundred and twenty of these Indians, when they first wandered from their tribe which was established on the Alabama River be-

<sup>43</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 130; Hodge, *Handbook of American Indians*, I, 699-702.

<sup>44</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 131.

<sup>45</sup>Manuscript: Report of Senate Standing Committee on Indian Affairs to Sam Houston, October 12, 1837. Indian Affairs, Texas State Library.

fore the Treaty of 1763. By the time they had drifted into Texas their number had decreased. The Koasati or Cochatti or Cushatti were an upper Creek tribe closely related to the Alibama. Soon after west Florida was ceded to Great Britain in 1763, part of the Koasati left their home on the right bank of the Alabama River, near the confluence of the Coosa and the Tallapoosa, and wandered west. Sibley in 1805 noted that these Indians had settled on the east bank of the Sabine River eighty miles south of Natchitoches, Louisiana. From there they spread over much of east Texas as far as the Trinity River. Some of the Koasati also obtained permission from the Caddo to settle on the Red River. Schermerhorn said that the Koasati on the Sabine River in 1812 numbered six hundred, and in 1820 estimated that there were only three hundred and fifty on the Red River, fifty on the Neches forty miles above its mouth, and two hundred and forty on the Trinity forty to fifty miles above its mouth. The Koasati were considered honest, industrious and peaceful. Allied with the Alibama and the Koasati were the Biloxi, a small tribe originally from southern Mississippi. In 1828 about twenty families were located on the east bank of the Neches. A small band also lived with the Caddo on Red River. In 1846 Butler and Lewis found a Biloxi camp on Little River. A few of the Muskogee tribe had wandered to Texas about 1834, and had become associated with the Alibama, Koasati, and Biloxi. All the above tribes spoke a similar dialect, had no pretensions to soil, and were on friendly terms with the people of the Republic.<sup>46</sup>

*Choctaw and Chickasaw.* The Choctaw began to migrate west from their original homes in southern Mississippi and Georgia, during the latter half of the eighteenth century. By 1809, they had a village on the Wichita River. There were, in 1820, about one hundred and forty on the Red River near the Caddo, and over a thousand on the Sabine and Neches Rivers. In 1840 a small party of about forty Choctaws and Chickasaws lived in the counties of Nacogdoches and Shelby on the Attoyac and Patroon. The Choctaws cultivated the soil and were, in fact, the best agricul-

<sup>46</sup>Hodge, *Handbook of American Indians*, I, 43-44, 719-720; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 131-133. Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

turists of the southern Indians. They were not by nature warlike, but in defense of their homes they were brave and fearless. The Chickasaws were related to the Choctaws in language and customs, but nevertheless the two nations were ancient enemies. A few of the Chickasaws put aside this hostility, came to Texas and lived among the Choctaws. Both tribes were at peace with the Republic in 1837.<sup>47</sup>

*The Kickapoo, Potawatomi, Delaware, and Shawnee.* The Kickapoo by 1819 had ceded to the United States all their claims to land in Illinois, and began to move southwest. They first settled in Missouri and Kansas, and from there parties found their way to the hunting grounds of northeastern Texas. Some of the Potawatomi lived among the Kickapoo and came with them to their new home. Austin located them on his map along the headwaters of the Sabine and Trinity Rivers. In 1789, the Spanish government gave a band of Delawares permission to move to Missouri. They were joined a few years later by a band of Shawnee. By 1820 white immigration to Missouri was becoming extensive, and the two tribes drifted to Texas. About seven hundred of these Indians located south of Red River near Pecan Point. The Kickapoo, Potawatomi, Delaware, and Shawnee were called northern Indians by the Texans. They were excellent hunters and lived almost entirely by the chase. In 1837 they numbered about five hundred, were friendly to the Whites, and made no claim to the land on which they lived.<sup>48</sup>

*The Arkensa.* The Arkensa or Quapaw, moved to Texas at an obscure date from their home on the Arkansas and White Rivers. In 1828, one hundred and fifty families were living south of the Red River on Sulphur Creek. The Report of the Senate Standing Committee on Indian Affairs made October 12, 1837, does not

<sup>47</sup>Hodge, *Handbook of American Indians*, I, 260-262, 288-290; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 133. Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

<sup>48</sup>Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 145; Hodge, *Handbook of American Indians*, I, 385-387, 684-686, II, 530-538; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 132-133.

mention the Arkensa Indians, so it is probable that at that time they were a small and almost unknown tribe.<sup>49</sup>

*The Creek.* In 1834 the Creeks wished to move into the popular region of eastern Texas, and attempted to do so, but were prevented by the Cherokees and the American settlers. However, it seems that a small party of Creeks must have established themselves in this territory in spite of all opposition, for Hodge says that a small Creek remnant was found in eastern Texas as late as 1840.<sup>50</sup>

*The Cherokee.* The most important of the immigrant Indian tribes was the Cherokee. Soon after the Revolutionary War, the hunter class of the Cherokee nation moved from the Appalachian Mountains to the White River in Arkansas and Louisiana. About six thousand were living west of the Mississippi in 1821. Richard Field, a Cherokee Chief, with some sixty warriors crossed into Texas and settled in the Caddo territory south of Red River.<sup>51</sup> By 1836, they were occupying the lands along the Angelina, Neches, and Sabine Rivers. Their number and general characteristics may be seen from the following extract from the Report of the Senate Standing Committee on Indian Affairs:

The Cherokees . . . live also in the county of Nacogdoches on the waters of the Angelina, Neches, & Sabine rivers; they are about 220 in number, are farmers & hunters, raise stock and have some domestic manufactures, and read and write their own language. Their War Chief is called Bowles their Civil Chief is called Big Mush.

They are a branch of the old nation of that name which they left some 40 or 50 years since settling first on the St Francis afterward on the Arkansas river and finally about 15 years since in Texas. They are good riflemen and have elevated views of their own importance and claims. They also appear desirous of taking the lead and forming an union of the different tribes in Texas. They trade with and are now in continual communication with the Prairie Indians with whom untill the commencement of our Revolution they were at war.

<sup>49</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 133.

<sup>50</sup>Hodge, *Handbook of American Indians*, I, 961-963; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 133.

<sup>51</sup>Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 131-132.

These Cherokees in the event of war would feel the Horror of invasion in a degree very nearly equal to the whites as their Squaws and children never leave their farms which is also the case with a few Delawares & Shawnees—They would have no strong holds, no interminable thickets, or swamps to retire to, but would be forced to give battle or fly to the prairies.<sup>52</sup>

*III. General Location and Number of Indians in Texas,  
1836-1846*

As far as it has been possible to ascertain them, the Indian tribes living in Texas during the Republic have been enumerated and briefly described. By referring to a map it will be at once evident that the various bands were scattered over the whole expanse of Texas. Of course, they did not inhabit the whole of the vast spaces indicated, but merely moved about from one place to another in that area and considered it their hunting ground. Eastern Texas was thickly settled by Indians who had moved there from the United States. Their villages were of a more permanent character than those of the prairie Indians, and they were determined to obtain a legal title to the land they occupied.

It is impossible to give any definite figures on the Indian population of Texas during the Republic. Henry M. Morfit, who was sent by President Jackson to investigate the military, civil, and political condition of Texas made an estimate in 1836 which has been misunderstood by Yoakum and later by Wooten. Morfit makes the following statement:

The aborigines amount to about 12,000; of whom there are 400 souls, or 150 warriors, of the Whaco tribe, who have a village near the head waters of the Brazos; 50 warriors, or 200 souls, of the Towackanies, who are a branch of this tribe; 200 warriors, or 800 souls, of the Tonkawas, between the Colorado and La Baca; 80 warriors, or 350 souls, of the Conshattees, near the Trinidad; 60 warriors, or 250 souls, of the Alabamas, on the Neches; 2,000 warriors, or 8,000 souls, of the Comanches, ranging from the Guadalupe mountains across the head waters of the Colorado, Rio Brazos, and Trinidad, up to the Red River; 120 warriors, or 500 souls, of the Caddoes, who have lately migrated from the borders of the United States toward the Trinidad, and who, a few weeks ago, destroyed the village of Bastrop; 250 warriors, or 900 souls,

<sup>52</sup>Manuscript: Report of the Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

of the Lipans, principally above the Colorado and San Antonio. Besides these, there are small portions of several wandering tribes, amounting to 200 warriors.

This enumeration does not include the northern Indians from the United States, consisting of the Cherokees, Kickapoos, Choctaws, Chickasaws, Potawatamies, Delawares, and Shawnees, amounting to about 2,000 warriors, who are restrained from taking part with either side in consequence of the position of General Gaines.<sup>53</sup>

Both Yoakum and Wooten have interpreted Morfit's report as estimating the total Indian population at fourteen thousand two hundred. However, it will be noticed that both the number in the small wandering tribes, and the number in the northern tribes is given in warriors, and should be multiplied by four, according to Morfit's other calculations to give the total population. The eight hundred souls of the unclassified tribes seems to have been included under his estimate of the aborigines which totaled twelve thousand. To this should be added not the two thousand warriors of the northern Indians, but their total population of eight thousand, which would make the entire number of Indians in Texas twenty thousand.

It seems a fact, from all available evidence, that the Indian population of Texas decreased during the ten years of the Republic, but to what extent it is impossible to state definitely. The Cherokees and their associate bands were expelled in 1839, and only a few bands ever returned to Texas. During the Comanche Wars of 1840 at least three hundred warriors of that nation were killed.<sup>54</sup> Lamar's policy of expulsion or extermination certainly resulted at least in greatly reducing the Indian population of the Republic, during the three years of his administration, 1838-1841. Although Houston's peace policy brought about a cessation of hostilities between the settlers and the Indians to a great extent, it did not affect the natural causes such as famine and disease which continued to reduce the numbers of the Indians.

<sup>53</sup>United States Executive Documents, 24 Congress, 2 Session, House Executive Document, No. 35.

<sup>54</sup>*Richmond Telescope and Register*, April 4, 1840; Brown, *Indian Wars and Pioneers of Texas*, 82-84.

## CHAPTER II

### SURVEY OF INDIAN POLICY PRIOR TO THE ESTABLISHMENT OF THE REPUBLIC

In order to understand the Indian policy of the Republic of Texas, it is necessary not only to have a clear idea of the location, condition and general character of the Indian tribes within its boundaries, but also to know something concerning the policy which had been pursued toward the Indians before the Republic came into existence. It does not seem expedient to go into minute detail but merely to sketch briefly the policies of the several governments under which Texas existed before setting up house-keeping for itself, and to show the results on the Indians of the application of these policies. In treating the Indian affairs under the Revolutionary Government it has seemed wise to go into greater detail, because the acts of this government had a more direct effect on the policy adopted by the Republic.

#### *I. The Spanish Indian Policy*

Spain claimed the larger portion of the two Americas, but her population was small and little of it could be spared to people the New World. In order to meet this emergency, she decided to Christianize and civilize the natives and use them in the development of the frontier. In order to accomplish this, the *encomienda* system was established. The savage was obliged to be controlled if he was going to be made into a useful citizen of Spain, and the Spanish colonizers provided the desired masters. The Indians were distributed among them, to be held in trust or *encomienda*. It was the duty of the guardian to insure the protection, the conversion, and the civilization of the natives; in return he was given the right to exploit them. The *encomendero* or trustee was required to support friars whose duty it was to instruct the Indians in the Christian religion and in the arts of civilization. Great monasteries grew up in the districts conquered by the Spanish colonizers. However, the *encomienda* system was so abused that it resulted in the practical slavery of the natives, who were congregated in the pueblos or villages under the strict supervision of the secular landholders. There were about nine thousand Indian



towns in the conquered districts of Spanish America in 1574. Some four thousand *encomenderos* controlled the five million people inhabiting these pueblos, and paid certain tribute to the king. Gradually the *encomienda* system was replaced by the mission. This was especially true along the northern frontier among the roving tribes, where the position of *encomendero* was not so advantageous as it had been among the tribes of central Mexico and Peru. The ideals of conversion, protection, and civilization were uppermost in the minds of the missionaries and the evils of exploitation were checked, though not entirely eliminated. The keynote of the Spanish Indian Policy was the mission system. More than a score of missions were established in the province of Texas alone. The first task of the priests was to spread the Christian religion, then to teach the Spanish language and civilization. The missionaries also served as political agents for Spain. They explored the frontiers, promoted colonization, and defended the interior settlements from the savage tribes. The Spanish Indian Policy, while it proposed to use the Indians in a practical way, was designed primarily to preserve rather than destroy them.<sup>55</sup>

## II. Indian Affairs in Texas Under Mexico

In 1821 the condition of Texas was deplorable. The Comanches were waging war against the scattered and unprotected settlements. One of their principal objects was to capture horses and cattle which they drove to the border and traded in the United States.<sup>56</sup> The civilized population had been greatly reduced in number since the beginning of the Mexican Revolution against Spain, and by 1821 it did not exceed thirty-five hundred.<sup>57</sup> In 1822 Texas was brought to the notice of the Mexican government through Stephen F. Austin, who made a trip to the city of Mexico in the early part of that year, for the purpose of obtaining confirmation of the permission which had been granted to his father, Moses Austin, January 17, 1821, by the supreme government of

<sup>55</sup>Bolton, "The Mission as a Frontier Institution in the Spanish-American Colonies," in *The American Historical Review*, XXIII, 42-61; Athanasie de Mézières, I, 17-22.

<sup>56</sup>Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 102.

<sup>57</sup>Bancroft, *North Mexican States and Texas*, II, 76.

the eastern interior provinces of New Spain, to settle three hundred families in Texas. The government was then in the hands of a regency with Iturbide as president. The national congress had been in session since February 24, 1822. Through Austin's influence this body was about to pass a general colonization law, when it was dissolved October 31, by Iturbide who had been declared Emperor the preceding May. Another colonization law was now agitated, and January 4, 1823, it was approved by the Junta Instituyente and Iturbide. The successful revolution against Iturbide rendered this act void. Congress once more convened. The Supreme Executive Power of the nation was placed in three individuals called the Executive Council. The members of this council were Nicolas Bravo, Guadalupe Victoria, and Pedro Celestino Negrete. April 14, 1823, a decree was issued by this body confirming the concession granted to Austin by the Imperial Government. Austin had succeeded in accomplishing his purpose, so he returned to Texas.<sup>58</sup> The Mexican government now saw the necessity for a colonization law which would give the states a chance to open up their territory to foreign immigration, and on August 18, 1824, the general colonization law was passed. This law authorized the various state legislatures to "as speedily as possible frame laws or regulations for the colonization of those lands which appertain to them, conforming in every respect with the fundamental Constitutional Act, the General Constitution, and the regulations established by this law."<sup>59</sup> The fact that the Congress of Coahuila and Texas, recognized the expediency of such a law as recommended, is shown by the speed with which it conformed to the suggestion of the central government. On March 24, 1825, congress passed a "Law for Promoting Colonization in the State of Coahuila and Texas."<sup>60</sup> The preamble to this decree illustrates the desire and evident need of more settlers on the vacant lands in the state, which lands were mostly in the harassed district of Texas:

The Congress, assembled for the purpose of forming the Con-

<sup>58</sup>S. F. Austin "to the settlers in what is called 'Austin's Colony,' in Texas," November 1, 1829, Gammel, *Laws of Texas*, I, 3-25.

<sup>59</sup>Gammel, *Laws of Texas*, I, 97. The General Law of Colonization of the Supreme Government of Mexico, August 18, 1824, Article 3.

<sup>60</sup>Gammel, *Laws of Texas*, I, 99.

stitution of the Sovereign and Independent State of Coahuila and Texas, desirous of augmenting by all possible means the population of its territory; of encouraging the cultivation of its fertile lands, the raising of stock, and the progress of arts and commerce, in exact conformity with the Act on which the Constitution is founded; with the federal Constitution; and the basis established by the Sovereign Decree of the general Congress, No. 72; decree as follows:—<sup>61</sup>

Within a month after the colonization law was passed five petitions for permits to introduce colonists were granted, which, if successfully carried out, would cause the introduction of three thousand families.<sup>62</sup> The era of the American colonization of Texas was well under way. In general, the articles of the colonization law of March 24, 1825, were liberal and offered inducements which brought a steady stream of American colonists from the United States to Texas.<sup>63</sup> Empresarios eagerly made contracts to bring in families to this new land of promise, and in spite of the fact that many failed to carry out their agreements the population of Texas rapidly increased.<sup>64</sup>

The entrance of American settlers into Texas brought the Indian problem into prominence. The two most important questions were, how to deal with the wild tribes who constantly committed depredations, and what to do with the more civilized Indians who desired land. At first the colonists were too weak to pursue anything except a conciliatory policy toward the marauding Indians, but later they began to organize and pursue the miscreants.<sup>65</sup> Mexico gave the colonists no official protection from the savages. Neither military posts were established, nor soldiers sent to guard the frontier.<sup>66</sup> Austin was given permission to organize the colon-

<sup>61</sup>Gammel, *Laws of Texas*, I, 99.

<sup>62</sup>Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 115.

<sup>63</sup>Gammel, *Laws of Texas*, I, 99; Bancroft, *North Mexican States and Texas*, II, 73; Yoakum, *History of Texas*, I, 234.

<sup>64</sup>Bancroft, *North Mexican States and Texas*, II, 73.

<sup>65</sup>De Shields, *Border Wars of Texas*, 15-63; Wilbarger, *Indian Depredations in Texas*, 198, 200, 203, 204, 205; Foote, *Texas and Texans*, I, 296; Yoakum, *History of Texas*, I, 226; Brown, *History of Texas*, I, 115.

<sup>66</sup>Bugbee, "The Texas Frontier, 1820-1825," in *Southern Historical Association Publications*, IV, 118-120.

ists into a body of national militia,<sup>67</sup> and in the early years of the settlement of Texas this was the only official protection available.

The question of the Indians' receiving a legal title to land in Texas came up first with the Cherokee tribe. In the winter of 1819-1820 a band of about sixty warriors of that nation had crossed the Red River and settled south of the Caddo. The earliest statement of the territory claimed by them locates it between the Trinity and Sabine Rivers, north of the San Antonio road.<sup>68</sup> Between 1822 and 1835 the Cherokees made several efforts to obtain a legal title to this territory, but they never received more than promises from the Mexican government or its officials.<sup>69</sup> Article nineteen of the state colonization law of 1825 provided that the Indians should be allowed to take up land in any of the settlements on the same terms offered to the colonists.<sup>70</sup> However, the writer in looking over a list of all land grants made by the State of Coahuila and Texas to November 13, 1835, when the Land Office was closed, found only one grant made to any tribe of Indians. This was a contract entered into with the Shawnees December 24, 1824, by which a square mile of land was to be given to each of the two hundred and seventy warriors already in Texas, and to their friends and allies who might move in at a later date. The President of the Republic acted favorably on the contract, but it was stipulated that the Indians should be under the laws of Mexico, and should not attempt to form a separate nation with laws of their own.<sup>71</sup>

The Mexican government was in too unsettled a condition during the time of the American colonization of Texas to assist the settlers in protecting themselves against the wild Indian tribes. In dealing with the more civilized tribes it seems to have been the general intention of both the central and state governments to grant them titles, but from one cause or another this was never done.

<sup>67</sup>Gammel, *Laws of Texas*, I, 31-32.

<sup>68</sup>Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 97.

<sup>69</sup>Winkler, *Ibid.*, VII, 97-165.

<sup>70</sup>Gammel, *Laws of Texas*, I, 96-106.

<sup>71</sup>Texas Almanac, 1857-1859, 39-47; Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 129-130.

*III. Relations Between Indians and Texas*

The causes which brought about the first efforts of united action by the American colonists of Texas, began when Bustamante gained control of Mexico in 1829. Under the influence of Lucas Alaman, minister of relations under the new government, Congress passed the law of April 6, 1830, which provided for the use of every possible means of increasing the Mexican population of Texas, even going so far as to establish penal settlements within its bounds. The eleventh article of this law was especially obnoxious to the American colonists for it "prohibited that emigrants from nations bordering on this Republic shall settle in the states or territories adjacent to their own nation."<sup>72</sup> Of course, as long as this law was in force there would be a general check on immigration from the United States. But the trouble did not end here, for Mexico had become so suspicious of the American settlers that she believed the most drastic action necessary to prevent the province from becoming a part of the United States at the first opportunity. Under General Teran a military despotism was established in Texas. Colonel Bradburn with 150 men was stationed at Anahuac, which is at the head of Galveston Bay, Colonel Piedras was already at Nacogdoches with 350 men, and Colonel Ugartachea was stationed at Velasco, the post at the mouth of the Brazos, with 125 men.<sup>73</sup> Troops were also maintained at San Antonio, Goliad, and a small force at Ft. Teran on the Neches.<sup>74</sup> Bradburn, who was by nature a despot, made himself thoroughly obnoxious to the Texans as soon as he was put in charge at Anahuac; and by June, 1832, he had goaded some of the hot-tempered colonists to insurrection, in which most of the soldiers were driven from Texas.

This movement was followed by a convention at San Felipe, in October, 1832, in which the colonists petitioned for various reforms and adopted resolutions concerning relations with the Indians. A committee was appointed on October 2 "to inquire into the Indian affairs of Texas; and to fix on some plan for the protection of the frontiers."<sup>75</sup> On Wednesday, October 3, another committee was

<sup>72</sup>Johnson, *Texas and Texans*, I, 65-66.

<sup>73</sup>Bancroft, *The North Mexican States and Texas*, II, 115-116.

<sup>74</sup>Brown, *History of Texas*, I, 167.

<sup>75</sup>Gammel, *Laws of Texas*, I, 283.

appointed "to memorialize the State Government, on the subject of lands granted to, and petitioned for, by the North American tribes of Indians—so as to remove much anxiety evinced by them, which is founded on misrepresentation." The committee was composed of the following members: Charles S. Taylor, W. McFarland, Jonas Harrison, Wyly Martin, John Austin, P. Sublett, J. M. Bradly, and W. Hanks, all from East Texas.<sup>76</sup> Taylor, the chairman, reported on October 5 a petition addressed to the Ayuntamiento of Nacogdoches. The substance of this was to request that the North American Indians residing in Texas who had been promised land should be given legal titles to the territory claimed by them, and to ask that the Indians be assured that the people of Texas desired to help them in obtaining possession of their land and did not desire to deprive them of it.<sup>77</sup> The committee appointed to inquire into the general condition of Indian Affairs in Texas, and to suggest some plan for the protection of the frontier, also made a report on October 5. From the best evidence obtainable, it had learned that the Indians were daily committing depredations on the frontier. In order to furnish protection for this harassed district it suggested that after the organization of the militia in Austin's and Dewitt's colonies, forty men from each battalion should take turn about guarding the frontier for forty days.<sup>78</sup>

In these reports the twofold Indian policy advocated by the Convention of 1832 is definitely expressed. In the first place the North American tribes were to be put in possession of the lands promised them by the Mexican Government, and in the second place a plan for protecting the frontier settlements against the hostile tribes was to be effected.

In 1835 Santa Anna's efforts to centralize the government caused the Congress of Coahuila and Texas to protest against changes in the Constitution of 1824, and especially against a reduction of the militia.<sup>79</sup> In consequence of this act the congress was dissolved, and Governor Viesca who attempted to escape to Texas was captured and sent to Vera Cruz. Santa Anna had

<sup>76</sup>*Ibid.*, I, 285.

<sup>77</sup>Gammel, *Laws of Texas*, I, 494-495.

<sup>78</sup>*Ibid.*, I, 500.

<sup>79</sup>Gammel, *Laws of Texas*, I, 398-401.

begun to send detachments of troops to Texas early in 1835, and when the state government was dissolved and a military governor appointed by General Cos, it seemed even to the most conservative colonists that some united action was necessary. A local committee of safety and correspondence was established at Mina (Bastrop), on May 8, 1835, and by the end of August similar committees had been formed in every municipality, precinct, and jurisdiction.<sup>80</sup> These local organizations arranged for the meeting of a general consultation at San Felipe on October 15, to which each committee was to elect seven delegates. Austin returned to Texas on September 1, 1835, from Mexico where he had been in prison since 1834. By the end of the month the San Felipe committee, with Austin as chairman, had assumed the general direction of affairs. It was apparent now that war was inevitable and on October 1 Austin proposed that each committee send one representative to San Felipe to remain as a "permanent counsel" until the consultation should meet. On the eleventh the Permanent Council organized with five members. R. R. Royal was elected president and C. B. Stewart secretary. When the members assembled for the meeting of the consultation on the sixteenth, so many delegates were with the army that there was not a quorum, so on the day following they adjourned to meet November 1. Those members of the Consultation who were unable to join the army were invited to unite with the permanent council. From October 11 to 31, this body served as the government of Texas. It formulated an Indian policy which was later adopted by the Consultation.<sup>81</sup>

Texas was in an extremely critical condition when the Permanent Council assumed direction of affairs. Not only was it about to be invaded by the Mexicans, but it was also in constant danger from the turbulent Indian tribes within its boundaries. During the spring and summer the savages along the frontier had given a great deal of trouble to the settlers on the Brazos and Colorado Rivers.<sup>82</sup> Reports had been circulated that the civilized Indians

<sup>80</sup>Barker, "Introduction to the Journal of the Permanent Council," in *The Quarterly of the Texas State Historical Association*, VII, 250.

<sup>81</sup>Barker, as cited, 250-251.

<sup>82</sup>Brown, *History of Texas*, I, 283-288.

in eastern Texas were unfriendly, and might join the Mexicans.<sup>83</sup> The first step taken by the Permanent Council in regard to the Indians was the organization of a force of rangers to protect the frontier. This act was adopted on October 17, and provided that twenty-five men should be appointed to range between the Brazos and Trinity Rivers, ten to range on the east side of the Trinity, and twenty-five between the Brazos and Colorado.<sup>84</sup> On October 26 a resolution was passed adding twenty-five more men to the ten who were to guard the frontier on the east side of the Trinity.

While realizing the necessity of protecting the frontier, the Council did not fail to emphasize the importance of maintaining friendly relations with the Indians. The rangers were cautioned not to interfere with the peaceable tribes, and on the 18th three commissioners were appointed to treat with the Indians, and were instructed to promise them redress for their grievances.<sup>85</sup> In an address to the people of Texas the Council stated that, "already has a line of rangers been established on the frontier to protect the inhabitants from the savage scalping knife. Already have we said we will respect the right of the No[r]thern Indians amongst us so as not to compromit the interest of Texas."<sup>86</sup>

In general, it was the policy of the Permanent Council to guard the frontier against the hostile tribes, and to bring about friendly relations with the civilized tribes.

The Consultation had been called to meet on November 1, 1835, but a quorum was not present until November 3. On that date the house assembled and proceeded at once to business. Branch T. Archer was elected president, and P. B. Dexter secretary. The Indian policy formulated by the Permanent Council was adopted by the Consultation.

A resolution was introduced on November 6 to extend the line of rangers from the Colorado River to the settlements on the Guadalupe.<sup>87</sup> The committee to whom this resolution was referred, reported on November 9, submitted a report recommending

<sup>83</sup>Johnson, *Texas and Texans*. (Report of a committee sent by Austin to organize public opinion in East Texas.) I, 286-288.

<sup>84</sup>Barker, as cited, *Quarterly of the Texas State Historical Association*, VII, 260.

<sup>85</sup>Johnson, *Texas and Texans*, I, 297.

<sup>86</sup>Barker, *Quarterly of the Texas State Historical Association*, 264.

<sup>87</sup>Gammel, *Laws of Texas*, I, 521.



that the acts of the Permanent Council on the subject of frontier protection be considered sufficient for the present, except that the line of rangers should be extended from the Colorado River to the Cibolo with a company of twenty men to guard this additional territory, and that ten men be added to the twenty-five which were to range between the Brazos and Trinity Rivers.<sup>88</sup> A resolution was made and adopted "that the President cause to be made out orders in pursuance of the report and resolutions on the subject."<sup>89</sup> When the Consultation adopted a plan for the provisional government, it included an article continuing the ranger protection. "There shall be a corps of rangers under the command of a major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion under the commander-in-chief, when in the field."<sup>90</sup> No other provisions were made by the Consultation for the protection of the frontier against the Indians.

On taking the chair, after his election as President of the Consultation, Archer made an address in which he put before that body the important subjects demanding immediate attention. In regard to the Indians, he said:

"There are several warlike and powerful tribes of Indians, that claim certain portions of our lands. Locations have been made within the limits they claim, which has created great dissatisfaction among them; some of the chiefs of those tribes are expected here in a few days; and I deem it expedient to make some equitable arrangement of the matter that will prove satisfactory to them."<sup>91</sup>

A select committee of three with Sam Houston as chairman was appointed "to whom was referred our relations with the Cherokee Indians and their associate bands." The report of this committee was read and adopted on November 11.<sup>92</sup> Houston then moved its recommitment in order that a declaration might be drawn up as the report recommended, to be signed by every member of the Consultation.<sup>93</sup> On November 13 the committee reported the following declaration:

<sup>88</sup>Gammel, *Laws of Texas*, I, 526-527.

<sup>89</sup>*Ibid.*, I, 528.

<sup>90</sup>*Ibid.*, I, 543.

<sup>91</sup>Gammel, *Laws of Texas*, I, 510-512.

<sup>92</sup>*Ibid.*, I, 532.

<sup>93</sup>*Ibid.*, I, 532.

Be It Solemnly Decreed,

*That we, the chosen delegates of the consultation of all Texas, in general convention assembled, solemnly declare,*

That the Cherokee Indians and their associate bands, twelve tribes in number, agreeably to their late general council in Texas, have derived their just claims to lands included within the bounds hereinafter mentioned, from the government of Mexico, from whom we have also derived our rights to soil by grant and occupancy.

We solemnly declare, that the boundaries of the claims of the said Indians to land is as follows, towit lying north of the San Antonio road and the Neches, and west of the Angeline and Sabine rivers.

We solemnly declare, that the governor and general council, immediately on its organization, shall appoint commissioners to treat with the said Indians, to establish the definite boundary of their territory, and secure their confidence and friendship.

We solemnly declare, that we will guarantee to them the peaceable enjoyment of their rights to their lands, as we do our own.

We solemnly declare, that all grants, surveys and locations of lands within the bounds hereinbefore mentioned, made after the settlement of the said Indians, are, and of right ought to be, utterly null and void; and that the commissioners issuing the same be, and are hereby, ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican government.

We solemnly declare, that it is our sincere desire that the Cherokee Indians, and their associate bands, shall remain our friends in peace and war; and if they do so, we pledge the public faith for the support of the foregoing declarations.

We solemnly declare, that they are entitled to our commiseration and protection, as the just owners of the soil, as an unfortunate race of people that we wish to hold as friends, and treat with justice, deeply and solemnly impressed with these sentiments, as a mark of sincerity, your committee would respectfully recommend the adoption of the following resolution.

Resolved, That the members of this convention, now present, sign this declaration and pledge of the public faith, on the part of the people of Texas.

Done in convention at San Felipe de Austin, this 13th November A. D. 1835.

This report was adopted and signed by the members of the Consultation.<sup>94</sup> Its tone is conciliatory in the extreme, and it gave the Cherokees every reason to believe that the Americans

<sup>94</sup>Gammel, *Laws of Texas*, I, 546.

recognized their right to the lands they claimed. The statement that these lands had already been appropriated to the Cherokees by the Mexican government is inaccurate. On August 21, 1833, Beramendi, Acting Governor of Coahuila and Texas, had issued a declaration saying that this tribe should not be disturbed until the supreme government should decide whether it had granted the lands to them.<sup>95</sup> The supreme government had taken no action so the Cherokees did not have a title to their lands from the Mexican Government. It does not seem to the writer that the declaration of the Consultation pledges anything more definite to the Cherokees than friendship, recognition of the boundaries of their claims, and the desire to have "the governor and general council, immediately upon its organization" appoint commissioners to treat with the Indians for the purpose of establishing the definite boundary of their territory, and to secure their confidence and friendship. When the plan of the provisional government was adopted the following clause was inserted in Article III, concerning the power of the Governor and Council to treat with the Indians:

"They shall have power, and it is hereby made the duty of the governor and council to treat with the several tribes of Indians concerning their land claims and if possible to secure their friendship."<sup>96</sup>

The Consultation made an effort to provide for the protection of the frontier by stationing a ranger force along the border. However, its act of most far-reaching results was the declaration made for the purpose of securing the friendship of the civilized Indians at this critical time.

When the Consultation adjourned on November 14, 1835, it was succeeded by the Provisional Government which it had established. Henry Smith was governor, and James W. Robinson, lieutenant governor. On November 15, Governor Smith sent his first message to the legislative body, the General Council. In this address the governor touched on both points of the Indian Policy which had been practiced by the Permanent Council and the Consultation. In regard to the protection of the frontier, he said:

<sup>95</sup>Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 162-163.

<sup>96</sup>Gammel, *Laws of Texas*, I, 539.

Provisions have already been made for the organization of a corps of Rangers, and I conceive it highly important that you should place a bold energetic and enterprising commander at their head. This corps well managed, will prove a safeguard to our hitherto unprotected frontier inhabitants, and prevent the depredations of those savage hordes that infest our borders. I conceive this very important at the moment, as it is known that the Mexican authorities have endeavored to engage them in a war with us.<sup>97</sup>

Governor Smith also urged the adoption of the policy of the Consultation toward the Cherokees and their associate bands:

Some of our red brethren of the Cherokee, Shawnee, and other of their associate bands are located on certain lands within our limits, to which it is generally understood that they have a just and equitable title. They have lately been interrupted in their title by surveys and locations within the limits which they claim, which has created among them great dissatisfaction, I therefore recommend that you second the measures of the late Convention in this matter, and never desist until the objects contemplated by that body be carried into effect.<sup>98</sup>

It is now necessary to find what provisions were made by the General Council for carrying out each of these recommendations of Governor Smith. On November 21, John A. Wharton, from the Committee on Military Affairs, made a report concerning the organization of a corps of rangers. He said that the committee recommended the immediate organization of three companies of rangers, each company to consist of fifty-six men, the whole number of men, one hundred and sixty-eight, to constitute a battalion under the command of a major. An ordinance was then read which provided for the establishment of the corps of rangers as suggested by the committee. It was approved on November 24, and signed by the governor on the twenty-sixth.<sup>99</sup> A motion was introduced on December 17, to establish a special company of ten men to range on the headwaters of Cummings and Rabb Creeks whenever necessary for the protection of that part of the country.<sup>100</sup> It was referred to the Committee on Military Affairs, which reported on December 18, that "the corps of rangers already created,

<sup>97</sup>Gammel, *Laws of Texas*, I, 557-560.

<sup>98</sup>*Ibid.*

<sup>99</sup>*Ibid.*, I, 576-577; 924-925.

<sup>100</sup>*Ibid.*, I, 676.

is sufficient for the protection of the country, which the said resolution contemplates."<sup>101</sup> This is the extent of the military provisions made by the General Council for the protection of the frontier against the Indians.

In order to put into effect the policy of conciliation, the General Council established a standing committee on Land and Indian Affairs. This committee offered a resolution, on December 17, the substance of which was that, in accordance with the declarations of the Consultation, the Cherokee Indians had certain legitimate claims to land, and Sam Houston, John Forbes, and John Cameron were suggested as commissioners to treat with them concerning the definite boundaries of their lands, and, if possible, to persuade them to join Texas in war against Mexico.<sup>102</sup> The commissioners were elected December 22, and Governor Smith issued his instructions to them on the thirtieth. The three most important things the Commissioners were urged to arrange were, (1) that the Indians should never sell the land granted them except to the Government of Texas, which would agree to purchase it at a reasonable price any time in the future; (2) that the Indians should agree to serve, if necessary, in the war against Mexico; (3) that, if found expedient, the Commissioners should exchange the lands the Indians then occupied for others.<sup>103</sup> In order to assist the Commissioners in making a satisfactory treaty, James Powers wrote them signifying his willingness to allow them to exchange the lands the Indians were then occupying for territory within his and Mr. Cameron's contract.<sup>104</sup>

In accordance with their instructions Houston and Forbes concluded a treaty with the Cherokees and their associate bands on February 23, 1836. The preamble reads:

This treaty made, and established between Sam Houston, and John Forbes,—Commissioners on the part of the Provisional Government of Texas, of the one part, and the Cherokees and their associate Bands now residing in Texas on the other part, to wit, Shawnees, Delewares, Kickapoos, Quapaws, Choctaws, Biluxies,

<sup>101</sup>*Ibid.*, I, 678-679.

<sup>102</sup>*Ibid.*, I, 698.

<sup>103</sup>Manuscript: Governor Smith to John Forbes, Sam Houston and John Cameron, December 30, 1835. Indian Affairs, Texas State Library.

<sup>104</sup>Manuscript: James Powers to Houston, Forbes, and Cameron, December 28, 1835. Indian Affairs, State Library.

Iowaines, Alabamas, Cochatties, Caddoes of the Naches, Tahocul-lakes, and Mataquos— By the Head Chiefs, Head Men, and Warriors of the Cherokees—as elder Brothers, and representatives of all the other bands, agreeably to their last general Council.

This treaty is made conformably to a declaration made by the last General Consultation at San Felipe, and dated 13th November, 1835.

The treaty provided that there should be a firm and lasting peace and friendly intercourse between the contracting parties. The Cherokees should “have and possess” the lands within the following bounds, “laying west of the San Antonio Road, and beginning on the west at the point where the said Road crosses the River Angelina, and running up said River until it reaches the Mouth of the first large creek below the great Shawnee Village emptying into the said River from the north East, thence running with said Creek to its Main Source and from thence a due North line to the Sabine River and with said river West—then starting where the San Antonio Road crosses the Angelina River and with said road to where it crosses the Naches, and thence running up the East side of said River in a north West direction.” The Indians were to move within this boundary before the expiration of eight months, were not to extend their settlements beyond it, or allow any other tribe of Indians to settle with them in the territory assigned. The Texans in turn were not to intrude into the Indian lands, but lands which had been already granted before the settlement of the Cherokees in the before mentioned bounds, were not conveyed by the treaty. The territory granted to the Indians was never to be “sold or alienated to any person or persons, power or Government whatsoever,” except to the Government of Texas, nor was it to be leased under any conditions. The Indians were allowed to govern themselves provided they did not make any regulations contrary to the laws of Texas. All property stolen either from the citizens of Texas or from the Indians was to be restored and the offender punished by his own people. The government of Texas reserved the right to regulate trade and intercourse with the Indians, but no tax could be levied on this trade. In order to see that the Indians received full justice at all times an agent, appointed by the government, was to reside with them.<sup>105</sup>

<sup>105</sup>Manuscript: Treaty between Commissioners for the Provisional Gov-

There is no record that this treaty was ever brought before the Council for ratification, but it is significant as being the first Indian Treaty formulated under the direction of the revolutionary government of Texas. Of course, it does not give the Cherokees a legal title to the lands they claimed, but it is certainly a clear promise that they shall be given one. However, it was impossible at this time to issue any titles, as all the land offices had been closed since November 11, 1835, to remain closed "during the agitated and unsettled state of the country."<sup>106</sup>

The necessity of establishing peaceable relations with the Comanches was the next important Indian question which came up before the Governor and General Council. A letter from Lieutenant Colonel J. C. Neill, written January 7, 1836, states that an ambassador from the Comanche Nation reported those Indians in a state of hostility toward Texas, but that they were willing to suspend hostilities for twenty days for the purpose of meeting Commissioners and making a treaty. The Comanches had suggested that each party send five Commissioners for the purpose of forming a treaty of "Amity Commerce and Limits." The letter was written from Bexar.<sup>107</sup> The Standing Committee on Land and Indian Affairs, to whom the letter was referred, reported resolutions January 17, 1836, which were passed. The committee considered it of the utmost importance to the interests and safety of the citizens of Texas, especially those on the frontier, that the friendship of the Comanche Indians should be secured. In order to accomplish this, commissioners were to be appointed at once to go to San Antonio and meet the Indians. The sum of five hundred dollars was appropriated to defray the expenses of negotiation. Edward Burleson, J. C. Neill, John W. Smith, Francisco Ruiz, and Byrd Lockhart were elected Commissioners.<sup>108</sup> The writer has been unable to find any record of a treaty made by these men with the Comanches.

A new phase of the Indian question presented itself to the Governor and Council early in January, 1836. It was reported that

ernment of Texas and the Cherokee Indians and their Associate Bands, February 23, 1836. Indian Affairs, State Library.

<sup>106</sup>Gammel, *Laws of Texas*, I, 541.

<sup>107</sup>Manuscript: J. C. Neill to the Governor and Council, January 7, 1836. Indian Affairs, State Library.

<sup>108</sup>Gammel, *Laws of Texas*, I, 798-799.

a large body of Creek Indians from the United States were about to move into Texas, where they would buy land from certain settlers. January 2, 1836, the Committee on the State and Judiciary made a report in which it referred to this question. It declared that those citizens of Texas who were arranging to introduce the Creek Indians into Texas, were following "a course dangerous to the country and in the highest degree criminal and unpardonable." The governor was advised to instruct Austin, Wharton and Archer, the Commissioners to the United States,<sup>109</sup> to remonstrate with that government against permitting the Indians to enter Texas. The governor was also requested to discover if possible the names of the citizens of Texas engaged in the negotiations with the Creek Indians.<sup>110</sup>

The controversy between Governor Smith and the Council came to a crucial point a few days after the above resolutions were passed, and there is no record of any further action taken on the subject. On January 10, 1836, the Council declared the Governor's office vacant, and appointed the Lieutenant Governor, James W. Robinson, to fill the place.

In his message sent to the Council on the 14th, Acting Governor Robinson recommended that the Council remain permanently in session until the Convention should meet "as there is no other authority to provide for the speedy organization of the ranging corps, and particularly for the security and protection of the inhabitants of the frontier of Red River, where no force is yet stationed or raised." He further suggested that the rights and privileges of those citizens who were settled within or near "the settlement of the Cherokee and other tribes of Indians," be provided for by law. He said that a commissioner ought to be appointed to treat with the Cherokees in the place of General Houston, who was then at the front with the army. None of Governor Robinson's suggestions were acted upon. It is true, that resolutions were passed January 17, recommending a treaty with the Comanches, as has been stated above, and commissioners were appointed for that purpose, but this action was taken on account of the letter from Colonel Neill. This completes the discussion of the Indian policy of the Provisional Government of Texas.

<sup>109</sup>Gammel, *Laws of Texas*, I, 534.

<sup>110</sup>*Ibid.*, I, 724-725.



The Convention met March 1, 1836, at Washington, in accordance with the ordinance passed by the General Council on December 11, 1835. Richard Ellis was elected president, and H. S. Kimball, secretary.

The convention was so busy declaring Texas Independence, framing a constitution for the new republic, and reorganizing the army for its protection, that very little was done in regard to the Indians. However, a resolution was passed on March 3, providing for a regiment of rangers to be raised.<sup>111</sup> Several days later information was received that a large force of Indians had gathered just above the San Antonio road, and a resolution was adopted authorizing Captain Black and Captain Bennett to raise a company of volunteers, not exceeding fifty men, to disperse the Indians and proceed to Bexar. This resolution was, however, reconsidered on March 10.<sup>112</sup>

The Committee on the Constitution reported March 9, and from that time until the Convention closed, the principal subjects of discussion concerned the provisions for the new government. Before adjourning the Convention established a government *ad interim*, to direct the affairs of the Republic, until the Constitution could be ratified by the people, and the officers elected. The officers elected by the Convention to serve under the *ad interim* government were: David G. Burnet, President; Lorenzo de Zavala, Vice-President; Colonel Samuel P. Carson, Secretary of State; Bailey Hardeman, Secretary of Treasury; Colonel Thomas J. Rusk, Secretary of War; Robert Potter, Secretary of Navy; and David Thomas, Attorney General.<sup>113</sup> The Convention having finished its work, adjourned March 17, 1836. The affairs of Texas were now in the hands of the *ad interim* government, and the Indian policy it adopted will be discussed in the next chapter.

<sup>111</sup>Gammel, *Laws of Texas*, I, 840.

<sup>112</sup>*Ibid.*, I, 858.

<sup>113</sup>Johnson, *Texas and Texans*, I, 395-396.